

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK FRANKLIN HOELTZEL,

Plaintiff,

v.

Case Number 19-12328

Honorable David M. Lawson

Magistrate Judge Patricia T. Morris

MARGIE PILLSBURY, MAUREEN
BURKE, SERGEANT CONNERS,
DETECTIVE LUCAS, TOM CARGILL,
MARK WOROSZ, DETECTIVE PARVIZ,
and OFFICER CHALOGIANIS,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES**

Presently before the Court is the report issued on March 3, 2020 by the previously assigned magistrate judge pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the plaintiff's application to proceed without prepayment of fees. The magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within 14 days of service of the report. The Court delayed action on the report for substantial additional time after the 14-day deadline expired, to account for possible delays in the delivery of mailed notice or presentation of objections due to the circumstances precipitated by the global pandemic. The Court also notes that since the report was issued the plaintiff has filed additional papers in this matter concerning other topics. However, to date no objections to the report have been presented. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to

independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 20) is **ADOPTED**, and the plaintiff's application to proceed without prepayment of fees (ECF No. 17) is **DENIED**.

It is further **ORDERED** that the plaintiff must pay the filing fee to the clerk **on or before July 27, 2020**. The failure to pay the fee by then may result in dismissal of the case.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 6, 2020